

E.D.N.Y.-Bklyn  
11-cv-1413  
Irizarry, J.  
Pohorelsky, M.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17<sup>th</sup> day of July, two thousand thirteen.

Present:

Robert A. Katzmann,  
Peter W. Hall,  
Raymond J. Lohier, Jr.,  
*Circuit Judges.*

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J. Taikwok Yung,

*Plaintiff-Counter-  
Defendant-Appellant,*

v.

13-1162

Donald J. Trump,

*Defendant-Counter-  
Claimant-Appellee.*

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Appellant, *pro se*, moves to stay proceedings in district court while this appeal is pending. Appellee, through counsel, opposes the motion and moves to stay the appeal pending the completion of proceedings in district court or, alternatively, to dismiss the appeal. Appellant opposes Appellee's motion to dismiss the appeal. Upon due consideration, it is hereby ORDERED that Appellee's motion to dismiss the appeal is GRANTED and the appeal is DISMISSED because this Court lacks jurisdiction over the appeal since a final order has not been issued by the district court as contemplated by 28 U.S.C. § 1291. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 467 (1978). It is further ORDERED that Appellant's and Appellee's motions for stays are DENIED as moot.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

  
